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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,416	10/05/2001	Yosihisa Nakaya	04995/024001	5627

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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,416

Applicant(s)

NAKAYA, YOSIHISA

Examiner

HELEN SHIBRU

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/05/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

1. The translation for the IDS filed on 10/05/2001 should be submitted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks (US Pat. No. 5,798,785).

Regarding claim 2, Hendricks discloses a video recording/reproducing apparatus for recording various video data as files in a recording/reproducing disk and reproducing the recorded video data so that they are displayed on screen (see col. 5 lines 47-55, col. 14 lines 21-26, col. 20 lines 14-16, and col. 30 lines 14-23), comprising:

display section for displaying a list of video files previously recorded in said recording/reproducing disk as a recording menu screen in a recording mode or recording programming mode (see claims 14, 40 and 44, col. 5 line 56-col. 6 line 2, and col. 17 line 63-col. 18 line 28); and

control section for recording a new video data in a manner of overwriting an area containing any optional recorded video file when the optional video file is selected from the list on said recording menu screen (see col. 27 lines 25-44 and col. 28 lines 38-51).

Regarding claim 3, Hendricks discloses in the recording programming mode, said control section displays the recording programming screen on said display section to enable recording programming when any optional video file is selected from the list on the recording menu screen (see col. 38 lines 17-28).

Regarding claim 4, Hendricks discloses in the recording programming mode, said control section displays the recording programming screen on said display

section to enable recording programming, and displays the recording menu screen on said display section when said control section receives a completion signal of the recording, programming (see abstract, col. 12 line 64-col. 13 line 13, col. 16 lines 60-65, and col. 17 lines 50-62).

Allowable Subject Matter

4. Claim 1 is allowed. The following is a statement of reasons for the indication of allowable subject matter: The Prior Art fails to teach or suggest the uniquely distinct feature of independent claim 1 “recording control section records the video data in an area of the video file selected from said recording menu screen during a recording operation, and when the recording operation is not completed even when the video data is recorded until said area becomes full, continuously records the video data in a vacant area of said recording/reproducing disk.”

5. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 5 and 6, the Prior Art fails to teach or suggest the apparatus of claim 2 including control section compares the recording-completed time of the video data recorded in a selected video file with the recording-programmed time of the video data recording-programmed, and if said recording-programmed time is longer than said recording-completed time, gives a warning from said display section; if the recording operation is not completed even when the video data is recorded until said area of the video file selected from the recording menu screen becomes full, said control section continuously records the video data in a vacant area of said recording/reproducing disk.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MEHRDAD DASTOURI can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
February 28, 2006


ROBERT CHEVALIER
ATTORNEY AT LAW